

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

JOHN WALTER BARNES,)
)
)
 Plaintiff,)
)
)
vs.) Case No. 13-CV-241-JHP-SPS
)
)
OKMULGEE COUNTY CRIMINAL)
JUSTICE AUTHORITY, *et al.*,)
)
 Defendants.)

OPINION AND ORDER

On May 31, 2013, Plaintiff, a prisoner appearing *pro se*, filed his civil rights complaint (Dkt. # 1). Plaintiff also filed a motion for leave to proceed *in forma pauperis* (Dkt. # 2). On June 5, 2013, this court granted plaintiff's motion for leave to proceed *in forma pauperis* (Dkt. # 4). On July 31, 2013, the defendants filed an answer to the complaint in which they raised the affirmative defense of failure to exhaust administrative remedies (Dkt. # 11).

Pursuant to 42 U.S.C. § 1997e(a), “No action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.” On September 24, 2013, this Court ordered the plaintiff to show cause within fourteen (14) days why this action should not be dismissed for failure to exhaust administrative remedies. Plaintiff was advised that “failure to show cause” would result in

dismissal of this action. To date, plaintiff has not responded to this Court's show cause order.

ACCORDINGLY, IT IS HEREBY ORDERED that the complaint is dismissed without prejudice for failure to exhaust.

IT IS SO ORDERED this 17th day of October, 2013.



James H. Payne
United States District Judge
Eastern District of Oklahoma